

# HOUSE BILL No. 1741

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48-3-10.

**Synopsis:** Diet pill prescriptions by advanced practice nurses. Specifies that an advanced practice nurse granted authority to prescribe legend drugs may prescribe certain weight loss drugs under the same conditions that a physician can prescribe the weight loss drugs.

**Effective:** July 1, 1999.

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**Welch, Brown C**

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January 26, 1999, read first time and referred to Committee on Public Health.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

(Continued next page)

## HOUSE BILL No. 1741

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-48-3-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) **As used in this**  
3 **section, an "advanced practice nurse" refers to an advanced**  
4 **practice nurse who has been granted authority to prescribe legend**  
5 **drugs under IC 25-23-1-19.5.**

6 (b) Only a physician licensed under IC 25-22.5 **or an advanced**  
7 **practice nurse** may treat a patient for the purpose of weight reduction  
8 or to control obesity with a Schedule III or Schedule IV controlled  
9 substance.

10 ~~(b)~~ (c) A physician licensed under IC 25-22.5 **or an advanced**  
11 **practice nurse** may not prescribe, dispense, administer, supply, sell,  
12 or give any amphetamine, sympathomimetic amine drug, or compound  
13 designated as a Schedule III or Schedule IV controlled substance under  
14 IC 35-48-2-8 and IC 35-48-2-10 for a patient for purposes of weight  
15 reduction or to control obesity, unless the physician **or advanced**  
16 **practice nurse** does the following:



(1) Determines:

(A) through review of:

- (i) the physician's **or advanced practice nurse's** records of prior treatment of the patient; or
- (ii) the records of prior treatment of the patient provided by a previous treating physician, **advanced practice nurse**, or weight loss program;

that the physician's **or advanced practice nurse's** patient has made a reasonable effort to lose weight in a treatment program using a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without using controlled substances; and

(B) that the treatment described in clause (A) has been ineffective for the physician's **or advanced practice nurse's** patient.

(2) Obtains a thorough history and performs a thorough physical examination of the physician's **or advanced practice nurse's** patient before initiating a treatment plan using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity.

~~(c)~~ **(d)** A physician licensed under IC 25-22.5 **or an advanced practice nurse** may not begin and shall discontinue using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity after the physician **or advanced practice nurse** determines in the physician's **or advanced practice nurse's** professional judgment that:

(1) the physician's **or advanced practice nurse's** patient has failed to lose weight using a treatment plan involving the controlled substance;

(2) the controlled substance has provided a decreasing contribution toward further weight loss for the patient, unless continuing to take the controlled substance is medically necessary or appropriate for maintenance therapy;

(3) the physician's **or advanced practice nurse's** patient:

(A) has a history of; or

(B) shows a propensity for;

alcohol or drug abuse; or

(4) the physician's **or advanced practice nurse's** patient has consumed or disposed of a controlled substance in a manner that does not strictly comply with a treating physician's **or advanced practice nurse's** direction.

~~(d)~~ **(e)** A physician licensed under IC 25-22.5 **or an advanced**



1 **practice nurse** may not prescribe, order, dispense, administer, supply,  
2 sell, or give any:  
3 (1) amphetamine;  
4 (2) sympathomimetic amine drug; or  
5 (3) compound;  
6 designated as a Schedule III or Schedule IV controlled substance as  
7 provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of weight  
8 reduction or to control obesity for a patient for more than three (3)  
9 nonrefillable thirty (30) calendar day supplies in any three hundred  
10 sixty-five (365) day period. The physician **or advanced practice nurse**  
11 shall reevaluate the patient before prescribing, ordering, dispensing,  
12 administering, supplying, selling, or giving the second or third  
13 nonrefillable thirty (30) calendar day supply of a controlled substance  
14 as provided in this subsection.

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